

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH D. HORNE,

Petitioner,

v.

ROBERT HOREL, Warden,

Respondent.

No. C 07-04592 SBA (PR)

**ORDER DENYING MOTION FOR  
DEFAULT JUDGMENT**

Petitioner has moved for a default judgment against Respondent because Respondent failed to file an Answer within the 120-day time period set forth in the Court's March 20, 2008 Order to Show Cause.

On July 18, 2008, Respondent requested for an extension of time to file an Answer, which was filed close to the date the Answer was due. The Court has granted Respondent's request for an extension of time. Respondent is ADMONISHED, however, that if he fails to meet the Court's deadlines in the future, he may face sanctions.

Because Respondent has not failed to file a timely Answer, Petitioner's motion for a default judgment is DENIED.

This Order terminates Docket no. 21.

IT IS SO ORDERED.

DATED: 7/30/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1  
2 UNITED STATES DISTRICT COURT

3 FOR THE

4 NORTHERN DISTRICT OF CALIFORNIA

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7 JOSEPH D. HORNE,

Case Number: CV07-04592 SBA

8 Plaintiff,

**CERTIFICATE OF SERVICE**

9 v.

10 ROBERT HOREL et al,

11 Defendant.  
12 \_\_\_\_\_/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
14 Court, Northern District of California.

15 That on August 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said  
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
18 located in the Clerk's office.

19 Joseph Deonn Horne V-84328  
20 Kern Valley State Prison  
P.O. Box 5102  
Delano, CA 93216

21 Dated: August 4, 2008

22 Richard W. Wieking, Clerk  
23 By: LISA R CLARK, Deputy Clerk  
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